Appendix VI B.

Vide **Answer to Question No. 229.**

Statement of applicants for shooting licenses in 1101 M. E.

Serial No.	Name of applicant.
	A. LIST OF APPLICANTS TO WHOM LICENSES WERE GRANTED.
	For Reserves.
1	M. R. Ry. Rama Varma Avl., Valia Koil Tampuran.
2	Mr. S. C. H. Robinson, Trivandrum.
3	Mr. S. Pulikannu Talavanar, Shencotta.
4	Mr. S. Puliappa Talavanar.
5	The Superintendent and subordinates, Public Gardens.
	For lands at the disposal of Government.
6	Mr. C. P. Gouldsbury, Guderale Estate.
7	Mr. C. H. Mitchell, Silent Valley Estate.
	B. LIST OF APPLICANTS TO WHOM LICENSES WERE NOT GRANTED.
8	Mr. G. W. S. Agar, Pasumalai Estate.
9	Mr. Mani G'Vurghese Tarakan, Mazhuvannur.
10	Mr. Crofton Peddie, Superintending Engineer, Trichinopoly.

RESOLUTIONS ON MATTERS OF GENERAL PUBLIC INTEREST.

PRESIDENT: We will now proceed to the discussion of the resolutions balloted for to-day. The first one stands in the name of Mr. G. Raman Menon.

1. Repair and Maintenance of Public Wells, Tanks, etc.

MR. G. RAMAN MENON (*Mavelikara* cum *Kartikapalli*): Sir, I move the following resolution:

"*This Council recommends to the Government that adequate arrangements may be made through municipalities or other public bodies, wherever they exist, or otherwise in other places, for the proper maintenance, from public funds, of public wells, public tanks and other porambokes, with a view to the health and safety of the public, when those porambokes are open to the legitimate use of all members of the public without distinction of caste or creed, and in other cases, at the expense of the inhabitants of the locality belonging to the class or classes of persons who claim and prove a legal right to the exclusive use of the same, provided, however, that special funds may be used for the maintenance of special porambokes.*"

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[Mr. G. Raman Menon.]

Sir, the principle underlying the resolution is that the Government as the strongest and the most comprehensive organisation for ensuring justice and the public good should be above all communal partialities. In several parts of the country, it is found that public funds are spent against this principle. I can boldly say that communal partiality prevails in the expenditure of public funds in this respect. For instance, in the Quilon town, there are a number of tanks used for bathing purposes which are occasionally drained and cleaned at the expense of public funds. To my knowledge, there is only one tank which is open to the use of all classes of the public without distinction of caste or creed, which is maintained in a tolerable manner, of course not satisfactorily, for which public funds are made use of. All the other tanks in the town which are drained and cleaned occasionally at public expense are open to the use of caste Hindus only. Even in Quilon town, to my knowledge, the majority of the people do not belong to the caste Hindu community. This is the case in other parts of the country also. There are several tanks which are maintained out of public funds, to which the non-Hindus and non-caste Hindus have no access and, in most places, no separate tanks are given for the use of these classes. I consider that a partiality; and the Government should be above all such communal partialities. It is fairly well-known that, in Travancore, there is a certain degree of communal jealousy between the different classes of people. We cannot shut our eyes to that fact. I consider that the source of all this communal jealousy is more or less in the Government, because—

MR. V. SUBBA AIYAR (*Nominated*) (*Deputy President*): In Quilon, may I know, whether the maintenance of tanks is done out of municipal funds or Government funds?

MR. G. RAMAN MENON (*Mavelikara* cum *Kartikapalli*): Public funds of course include municipal funds also.

So, it seems to me that it is a very important question to be considered and decided by the Government. Steps should be taken to free the Government at least, it being the widest organisation for the public good, from these communal partialities. Places in the Government service and other official patronage may also be considered to be a certain kind of *poramboke* (*Laughter*) to which all classes of people should be equally entitled. All steps should be taken to place the Government above all considerations of communal partiality. It has been found in the History of Travancore during the last three or four years, that several unnecessary disputes and much waste of public money both by the people and the Government have been caused by these questions of communal partiality. So, the sooner the Government get rid of this charge of communal partiality the better for all concerned.

Now I shall proceed to an explanation of the different parts of the resolution. The maintenance of public wells, tanks and other *porambokes* in a proper manner is with a view to the health and safety of the public. In many parts of the country, I have found that tanks and

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open spaces which are *porambokes* are in a state very dangerous to public health and safety. Sometimes, very near the road, there will be dangerous pits. Certain open spaces are used freely by the people of the locality as public privies. That is also a source of danger to the public health. All such places should be maintained properly with a view to the health and safety of the public. Then, there are certain tanks partly silted up and containing very filthy materials which are a storehouse of all microbes and germs, sometimes causing contagion. That, I consider, is a source of very great public danger. Some of these *porambokes* are open to the use of all members of the public. These should be maintained out of public funds whether they happen to be Government money or municipal funds. In some other cases, it may be found that some tanks and open spaces may legally be open for the exclusive use of some members of the public. I do not say that, in such cases, the Government should coerce the people to get rid of all communal differences. There are communal differences, differences of opinion, differences of custom and differences of sentiment. The Government should not interfere with them. But they can refuse to spend public money for the maintenance of these *porambokes* because public money belongs to all classes of His Highness' subjects. So, what I propose is that, in case those people claim the right to exclusive use by a legal title, they should take care of these *porambokes* and maintain them at their own cost. If they are not properly maintained, there will ensue danger to public health. Then, of course, the Government should compel them to do the work and take power by legislation in the interests of public safety and maintain those *porambokes* and realise money from the people concerned who claim an exclusive use. This is the case with regard to roads also. In the last session, there was a demand for a supplementary grant for the construction of the Karkad road. There, a section of the people wanted the use of a road exclusively for themselves. What the Government should do in such a case is that, if any section of the people have a legal right to its exclusive use, the Government should refuse to maintain it from public funds. That is the object of that part of the resolution.

In other cases, the *porambokes* should be maintained at the expense of the inhabitants of the locality belonging to the communities or classes which prove their legal right to the exclusive use of the *porambokes*.

I have added at the end of the resolution a proviso to the effect that 'special' funds may be used for the maintenance of 'special' *porambokes*. I have had occasion to know that there are several kinds of *porambokes* which are reserved for special use, for example, Devaswom *porambokes* and *porambokes* attached to the Palaces. All such special *porambokes* could be maintained out of the special funds allotted for them.

Therefore, Sir, my resolution does not in any way touch any legitimate expenditure which the Government have or may have to incur in the maintenance of *porambokes*. Before concluding, I should like to draw the attention of the Government to the fact that, in most parts of the country, except probably in a few towns, the Government have not been

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paying adequate attention to the proper maintenance of *porambokes* such as wells and tanks used by the people of the country. Such want of proper attention on the part of the Government acts as a source of danger to public health and safety. So, I hope that this moderate and reasonable resolution of mine will be accepted by the House and by the Government. With these words, I move the resolution.

MR. M. N. PILLAI (*Trivandrum*): Sir, I second the resolution.

MR. V. SUBBA AIYAR (*Nominated*) (*Deputy President*): Sir, I have very great pleasure in opposing the resolution. (*Laughter.*) I am glad that Mr. G. Raman Menon got a seconder in the person of Mr. M. N. Pillai who is a very obliging friend indeed. (*Laughter.*) I thought the resolution would fall through for want of a seconder.

In the first place, Sir, the whole resolution is cumbrously worded. It consists of many parts which cannot be tacked on together. The resolution, as it is worded, does not also seem to convey what the mover really wants. Further, it will be utterly impracticable to work out the proposals contained in the resolution if the resolution is carried. What my friend wants in the first place is that only such *porambokes* as are used by the whole of the public should be maintained out of Government funds.

MR. G. RAMAN MENON (*Mavelikara cum Kartikapalli*): I did not mean the whole public. I referred to *porambokes* which are open to the use of all people without distinction of caste or creed.

MR. V. SUBBA AIYAR (*Nominated*) (*Deputy President*): That means the whole of the public.

What the resolution says is that adequate arrangements may be made through Municipalities or other public bodies, wherever they exist, or otherwise in other places, for the proper maintenance, from public funds, of public wells, public tanks and other *porambokes*, with a view to the health and safety of the public, when those *porambokes* are open to the legitimate use of all members of the public without distinction of caste or creed.

As it is worded, Sir, it would mean that no public tank or public well is now being properly attended to and that more efficient arrangements should be made in order that they may be properly maintained in future. What my friend really wants is, I think, that public funds should be made use of only in regard to *porambokes* open to all the people irrespective of caste or creed. But the resolution as it stands does not convey that idea. "Adequate arrangements may be made through Municipalities or other public bodies, wherever they exist or otherwise in other places,"—the whole of this is meaningless and may be deleted without in any way impairing the sense of the resolution.

The second portion of the resolution runs as follows:—

"...and in other cases, at the expense of the inhabitants of the locality belonging to the class or classes of persons who claim and prove a legal right to the exclusive use of the same, provided, however, that special funds may be used for the maintenance of special *porambokes*."

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What is stated in this part of the resolution is that tanks and wells and other *porambokes* which are not open to the whole of the public should be maintained and repaired at the cost of the communities using them. He also said in his speech that those communities should be compelled to maintain them in proper condition. I do not see the reason why they should be *compelled* to maintain them in proper order. Mr. Raman Menon is prepared to allow these *porambokes* to be used exclusively by them. They may or may not use it. As such, I do not see why they should be compelled to maintain them properly. Of course, if such *porambokes* become a source of nuisance to the people, I believe the Municipal authorities have got the necessary powers under the Regulation to interfere and to see that they are put in order. I do not see the reason why a *public* tank or well which is used exclusively by a community should be maintained at the expense of the community that is using it, and also why the community should be compelled to maintain it properly.

MR. G. RAMAN MENON (*Mavelikara* cum *Kartikapalli*): Is it not necessary in the interests of public health?

MR. V. SUBBA AIYAR (*Nominated*) (*Deputy President*): I have already stated that, if such tanks are considered to be a source of nuisance to the public, the Municipality concerned has the power under the Regulation to step in and put them in order.

Lastly, there is a proviso in the resolution which speaks of 'special funds' and 'special *porambokes*'. I do not understand what Mr. Raman Menon means by 'special funds' and 'special *porambokes*'.

My friend has stated that tanks and wells that are used only by certain communities and not by the whole of the public should not be maintained out of public funds. Therefore, if we accept the resolution, it will mean that only those tanks and wells which are open to the whole of the public can be maintained out of public funds. We will then be ignoring the circumstances under which the Government or the Municipality, as the case may be, came into possession of, or got control over, these tanks and wells. I know, as a matter of fact, that many of the tanks in Quilon are parts of private compounds. They were originally intended for the use of the owners of the compounds. As a matter of obligation, they were permitting members of other communities to whose use of the tank they had no objection, to make use of these tanks. Gradually, it so happend that tanks were being used by almost all the members of those communities whose use of the tanks was not originally objected to by the owners. Ultimately, the Municipality stepped in and the owners handed over these tanks to the Municipality without prejudice to their own right of using them. The Municipality also has agreed to maintain these tanks in the interests of the public and without prejudice to the right of the owners. Now, if these are the circumstances or the understanding under which the Municipality has begun to have control over these tanks, I ask whether it would be proper to go behind the trust, so to say, and say, that they should be thrown open to all communities and that they should not be

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maintained out of public funds if they are not thrown open to the whole of the public. It will certainly be prejudicing the rights of the owners if the tanks are thrown open to all people irrespective of caste or creed.

MR. K. K. THOMAS (*Kottayam*): May I know whether the trust that he speaks of was implied or expressed?

MR. V. SUBBA AIYAR (*Nominated*) (*Deputy President*): Implied. I know, as a matter of fact, Sir, that the Cutcherrykulam in Quilon, which is very close to my house, forms part of the compound of a former Munsiff. It was originally used by a limited number of his friends. Subsequently, it was used by most of the Brahmins and Nairs of the place. Finding that a large number of people were using it, the Municipality stepped in and maintained the tank in proper condition. The Government never acquired the tank, nor was it dedicated to the public by the owner. Most of the other tanks there are also similarly circumstanced. That being the case, I do not know whether we would be justified in saying that such tanks will not be maintained unless they are thrown open to the whole of the public. I do not think we would be justified in imposing any such restriction on the maintenance of such tanks. We will have to go into the history of these tanks before we make any such proposal.

MR. N. KUMARAN (*Nominated*): Is it not open to the Municipality not to spend municipal funds for the maintenance of these tanks?

MR. V. SUBBA AIYAR (*Nominated*) (*Deputy President*): Certainly not. That is the next question that I am going to take up.

It seems to be the idea of Mr. G. Raman Menon, and the suggestion of Mr. Kumaran, that the municipal funds can legitimately be spent only for places to which all communities have got access. I demur to that suggestion and I very strongly object to it, because the Municipal Regulation does not contemplate any such meaning being given to the word '*public*'. The word '*public*,' as defined in the General Clauses Regulation, includes '*sections of the public*' also. In other words, particular communities or particular classes among the public are also included in the word '*public*', as it has been defined in the General Clauses Regulation. For example, if we take the case of the Chalai street, or any other street which is inhabited only by Brahmins or some other street which is inhabited only by the Nairs or by some other community, we have to take into consideration the fact that the members of such communities who live in such streets are also paying professional tax, house tax and similar other taxes to the Municipality.

MR. G. RAMAN MENON (*Mavelikara cum Kartikapalli*): Did not the member a little while ago say that such *porambokes* are private properties?

MR. V. SUBBA AIYAR (*Nominated*) (*Deputy President*): No; I did not say that they were private property. What I said was that it was a misnomer or misinterpretation to say that the word '*public*

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means *all the people* irrespective of caste or creed. My point is that even a '*section of the public*' is included in the definition of the word '*public*' and that public funds can be utilised for the benefit of particular sections of the public also. The reason is, as I have already stated, although particular *porambokes*, like the streets that I referred to, might be inhabited solely by members of one particular community or section of the public, those people also are paying house—tax and other taxes to the municipality and are therefore entitled to the benefits of proper maintenance of those *porambokes* out of municipal funds, You cannot say that, simply because they live together in one place, you are not prepared to look to their conveniences and needs out of municipal funds. So long as you collect taxes from them, you cannot divest yourself of your responsibility of looking to their convenience. If you are not prepared to attend to their needs, the best thing would be to remove all such streets or other *porambokes* out of the municipal limits. Therefore, Sir, that portion of the resolution is wrought with considerable difficulty. How can you say that you will not look to the convenience of a class of people who are paying you taxes like anybody else? Certainly, the municipality need not spend its funds for the benefit of particular individuals. But the municipality is certainly bound to spend out of its funds for the maintenance of those *porambokes* which are used exclusively by particular communities or sections of the public, because you levy taxes from them also, and the definition of the word '*public*' in the General Clauses Regulation includes '*sections of the public*' also.

MR. C. P. THOMAS (*Nominated*): May I know whether, according to the member, streets which are not open to all the people irrespective of caste or creed should be maintained out of public funds?

MR. V. SUBBA AIYAR (*Nominated*) (*Deputy President*): We are not concerned now with streets. We are concerned only with tanks and wells.

There are several tanks and wells in all parts of the State which were being used for the past so many years by particular communities alone and which were, all the same, maintained out of municipal funds. Moreover, I do not know whether matters concerning the administration by municipalities can be brought into this Council in the shape of resolutions; because resolutions are recommendations to the Government. The maintenance of tanks and wells within municipal limits is a matter entirely within the hands of the municipal authorities. Further, as I have already stated, the resolution has not been properly worded and it cannot be worked in practice. I therefore strongly oppose the resolution.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): Sir, I read and reread the resolution of Mr. G. Raman Menon and closely listened to his speech. But I am sorry to confess that I was not able to realise what exactly there was at the back of his mind when he came before this House with this resolution. It was only after the speech made by Mr. Subba Aiyar by way of commentary that I was able to understand to some

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extent the idea of Mr. Raman Menon. As I read the resolution, the idea that first struck me was that Mr. Raman Menon was complaining about the neglect of certain *porambokes*, tanks and wells, by the local municipal authorities or by the Government and that with a view to bring that fact to the notice of the municipal authorities or to the Government he had tabled this resolution. That was the impression that I had when I first read the resolution. The question as to whether municipal funds or public funds may be legitimately used for the maintenance of public wells, public tanks or public streets, which are not open to all castes or communities, is entirely beside the point when we discuss this resolution. Because, the resolution only asks for adequate arrangements being made through municipalities or other public bodies, wherever they exist, for the maintenance of public wells, public tanks and other *porambokes* and also to make suitable arrangements for the said purpose in respect of the areas where there are no such municipalities or public bodies. Now, Sir, the only answer that I have to give to Mr. Raman Menon is that, in regard to the first class of public tanks and public wells, *viz*, those within municipal areas—it is up to the people themselves to see that they are properly and efficiently maintained. Because, there are well constituted municipal bodies, mostly with elected non-official members and elected or nominated Chairmen, to whom the matter should be taken if any improvement is found to be necessary in this matter. In regard to the other areas, *viz*., the non-municipal areas, Mr. Raman Menon must be aware that to achieve the very object which he has in view, we have, in this Council, passed a Regulation known as the Village Panchayat Regulation, and I understand, from an answer given to a question that I had put in regard to that matter, that the Government are contemplating the organisation of Village Panchayats at an early date and that the Law Member has already been directed to frame rules under the Village Panchayat Regulation. So, when such Village Boards come into existence, it will be possible for them to maintain the tanks and wells in the non-municipal areas in an efficient manner. In regard to the maintenance of tanks and wells intended for communal purposes, there is provision in the Village Panchayat Regulation regarding communal *porambokes* also.

As regards the 'special *porambokes*' made mention of in the resolution, I do not know what my friend means by *special porambokes* and *special* funds.

MR. G. RAMAN MENON (*Mavelikara* cum *Kartikapalli*): Has any arrangement been made in pursuance of the Village Panchayat Regulation? I know there is a Regulation like that.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): That is exactly what I have been speaking of. I have already stated that, from the answer given to my question, I have been able to understand that the Government have taken up the question of the organisation of Village Panchayats and have directed the Law Member to frame rules for the

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purpose. I also regret very much that the matter has been delayed so much. It is more than a year since the Regulation has been passed. At any rate, now that the Government have taken up the matter in earnest, it is hoped that all these matters raised by Mr. Raman Menon will be satisfactorily solved by the constitution of these local boards. I would therefore request my friend Mr. Raman Menon to withdraw this resolution if his object, in tabling this resolution, was only, as it appears to me, to make adequate arrangements for the proper maintenance of public tanks and wells in municipal as well as non-municipal areas.

MR. K. GEORGE (*Chief Secretary to Government*): Sir, I also complain of the complexity of the resolution. In fact, from the three speeches that preceded mine, it could be seen that each of those three speakers gave his own meaning to the resolution. It is very difficult, Sir, to analyse the various parts of the resolution. The adjectival and the adverbial adjuncts that have been added on to qualify the various parts of the resolution make the interpretation of the resolution very difficult. As I have analysed, the resolution conveys the following ideas:—Firstly public wells, public tanks and other *porambokes* should be maintained out of public funds. Secondly, the maintenance of such *proambokes* should be carried out by municipalities or other public bodies. The member does not explain what these *other public bodies* are. Besides the Government, I believe the municipalities are the only public bodies having any financial position. He has also not explained what is to be done in the case of wells and tanks which are not within municipal areas. They are not contemplated by the resolution.

MR. K. K. THOMAS (*Kottayam*): Does not the expression *other porambokes* include *kayals* also?

MR. K. GEORGE (*Chief Secretary to Government*): I do not know whether the mover intended to include *kayals* also.

Thirdly, wells and tanks not open to all people, irrespective of caste or creed, should be maintained at the expense of the people who claim and prove their legal right to the exclusive use of the same. I have various difficulties in regard to each of these points.

Lastly, special funds may be used for the maintenance of special *poroambokes*. I also do not understand what it mean by '*special funds*' and '*special porambokes*'.

MR. G. RAMAN MENON (*Mavelikara* cum *Kartikapalli*): May I point out to the member that I explained the meaning of those expressions and also gave two examples of the same, *viz.*, Devaswom funds for Devaswom *porambokes* and Panivagai Maramat funds for the Palace *porambokes*?

MR. K. GEORGE (*Chief Secretary to Government*): At any rate, the resolution, as it is worded, does not at all convey the meaning which the member evidently wanted to convey. That being the case, it is extremely difficult to speak on a resolution like this about the meaning of which the mover and the various other speakers have differed so widely. If this resolution is carried, it will certainly be difficult to understand what exactly has been carried. If all that is intended by

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Mr. Raman Menon is that wells, tanks and other *porambokes* which are maintained out of public funds should be thrown open to all people irrespective of caste or creed and if they are not so thrown open, public funds should not be spent for their maintenance, I may point out that a resolution to this effect, or rather the converse of it, came up before this House last year, and was carried in an amended form. The amended resolution was as follows:—I am referring to the proceedings of this Council of the 14th August 1925.

"This Council recommends to the Government that all tanks, which are maintained by the Government out of public funds, and over which no special rights have been created or recognised by the Government, be thrown open to the general public without distinction of caste, creed or religion, so long as such tanks are needed in the interests of the general public."

But between that resolution and the resolution now before the House *as it stands*, there is a great deal of difference. There is however some agreement in the principle of both at least between that resolution and the first portion of the present resolution. The first portion of Mr. Raman Menon's resolution in the sense in which I have been able to understand it, is that public funds should be utilised for the benefit of the whole of the public and not for the benefit of any section of the public. My friend Mr. Subba Aiyar has shown clearly how that is a proposition which could not be accepted altogether. Its implications are more far-reaching than they appear to be. It is opposed to the accepted financial arrangements and usages in Travancore. We have in every year's budget certain provisions which *are* intended for the exclusive benefit of certain communities. I can cite instances. There is, for example, provision in the Education Budget for the education of Malayala Brahmins. There are special schools for Malayala Brahmins maintained out of public funds. There is a special school at Mavelikara for the children of certain aristocratic families. There are instances of our spending money for digging wells for Sambavars.

MR. G. RAMAN MENON (*Mavelikara* cum *Kartikapalli*): Cannot all these things be classed under '*special porambokes*'?

MR. K. GEORGE (*Chief Secretary to Government*): If the mover is prepared to include all these under his '*special porambokes*', then I have no objection to accept the resolution.

We have also the instance of special encouragement to Mahomedans and to some other communities in the matter of education. The principle in all these cases is the same. If public funds could be used only for the whole of the public, then all these cases are not in order.

MR. G. RAMAN MENON (*Mavelikara* cum *Kartikapalli*): Are there not wells and tanks attached to special institutions?

MR. K. GEORGE (*Chief Secretary to Government*): I admit, there are.

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MR. G. RAMAN MENON (*Mavelikara* cum *Kartikapalli*): Can they be called 'public porambokes'? Are there not wells in bungalows, which belong to the Government and which are rented out to individuals, and could they be called 'public porambokes' simply because they are situated within Government property?

MR. K. GEORGE (*Chief Secretary to Government*): Such wells are not public wells at all.

MR. G. RAMAN MENON (*Mavelikara* cum *Kartikapalli*): In the same way, wells attached to special institutions cannot be classed among public wells.

MR. K. GEORGE (*Chief Secretary to Government*): Yes. But I do not see the bearing of that statement on what I say.

Therefore, Sir, it is not an admitted canon of financial policy that public funds should be used only for the public as a whole. There are instances of public funds being spent for the benefit of particular sections of the public alone, even outside Travancore. We know, for example, that, in British India, public funds are spent for the maintenance of European Schools. We know that, in England, public funds are spent for the insurance of labour, for the purpose of old age pensions and for giving bounties to several industries. My own view is that the principle in all these cases is more or less the same; that is to say, it cannot be said that public funds should be spent only when the public would benefit thereby. As Mr. Subba Aiyar has stated, the word '*public*' includes '*a section of the public*' also.

MR. V. SUBBA AIYAR (*Nominated*) (*Deputy President*): Are not contributions made to Hindu temples, churches and mosques, out of public funds?

MR. K. GEORGE (*Chief Secretary to Government*): Yes, there are instances of such contributions in our budget itself.

I now pass on to another point, *viz.*, as to why the member has excluded tanks and wells situated in special *porambokes*. Evidently because he wants to respect the religious and other sentiments, of the communities which are using the wells and tanks in these 'special *porambokes*'.

The very same difficulty exists in the case of certain tanks which are maintained from public funds. The possible reason why these tanks came to be used only by certain communities is this. To the Hindu, the act of bathing has a religious significance. I suppose that would not be denied. Bathing involves purification from polution. So, there was a religious idea and there is still I think a religious idea attached to the act of bathing. It was to encourage and help people in carrying out their religious duties that the State or charitable gentlemen who were religiously inclined provided tanks and wells for the use specially of certain communities. Therefore, I say, if we now want to take them over and have them for common use, we will be evading the intentions of those who provided them and be interfering with the religious sentiments of the people. The very principle which underlies my friend's

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proposal for the exclusion of certain tanks and wells for purposes of maintenance from public funds should apply to all *porambokes* which are now used exclusively by certain communities. If we extend the principle far enough, this position has to be admitted.

Sir, this resolution is not of any great practical concern. Perhaps, for centuries, the present arrangement has been going on without any particular inconvenience to anybody. The Government no doubt should step in and modify the oppressive usages or cruel customs, but they should not interfere in matters which are merely sentimental particularly when such sentiments do not interfere with the sentiments of others. In such cases, we should leave things to time. Sir, I remember certain customs and usages which were prevalent in Travancore and have all vanished in time. For instance, about some twenty years ago, in my native place, the higher caste people when they went about walking along the road used to utter a loud noise in order that the depressed classes and others on the way might move off and avoid polluting them. Now the depressed classes freely rub shoulders with the high caste Hindu. So what I submit is that time has rectified the usage or custom which is incompatible with civilised life. If a custom is deemed undesirable, public opinion will gradually cause the custom to disappear. But if the Government interfere, probably instead of curing the malady, they may aggravate it or complicate the situation. In such social matters, therefore, changes could be effected better by educating public opinion than by a legsilative enactment or an executive order.

Then I pass on to another point of Mr. Raman Menon's resolution, *viz.*, that public wells and public tanks which are not open to all should not be maintained by the Government. I explained how there is no objection to the Government spending money for the benefit of a section of the public. We have next to consider what would happen if the Government do not maintain these tanks. I suppose these tanks are the properties of the Government. I do not speak of tanks under the control of municipal bodies, because the Government cannot dictate to them what they should do. Their duties are defined in the Municipal Regulation and they can spend municipal funds for the purposes provided in the Regulation. So there is no use in our discussing what the Government should do in the case of municipalities. Now I ask the question, what would happen if the Government decline to maintain these tanks. The same situation which Mr. Raman Menon has pointed out would be brought about namely, that these tanks would fall into neglect, they would become filthy and ultimately as he himself complained in respect of many tanks they will also become a source of danger to public health. Therefore, I ask is it not better to keep on maintaining these tanks and wells until such time when public opinion enables the Government to throw these open to all than neglect them and leave them as a source of danger to the public.

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I think that everybody will admit that it is a far better policy to keep on maintaining these tanks and wells until the time comes when the people are ready to come forward and take up these tanks and maintain them in good condition so as to enable the Government to throw them open to all. Otherwise, what will happen is that when the people are ready to surrender their exclusive rights and are ready to maintain them, there will be no tanks to be used. So, on the whole, Sir, I find it difficult to accept the principle of the resolution. It contains several points which are not well-related to one another. In any case, all tanks do not stand on the same footing as the member himself explained and even if certain tanks are outside the Devaswcm control there still remain several tanks which are attached to the Devaswoms, so that the Government will not be in a position to accept the resolution as a whole and as it stands.

MR. N. KUMARAN (*Nominated*): Sir, I am sorry I have to oppose the resolution. The meaning of the resolution has already been discussed by the previous speakers. So far as the first portion of the resolution is concerned, I believe it is unnecessary. We need not direct the municipal councils as to how they should carry on their business.

Secondly, with respect to tanks and wells outside the municipal limits, we need not make any specific arrangements in this Council as they are being looked after by the public in their own way, and that may be an interference by the Government. It would also interfere with the gradual evolution of the social condition of the people of those localities. What I mean to say is that if people are permitted to arrange things in their own way, it may happen in course of years that those sectarian differences which at present are so accentuated may vanish and tanks and wells which are used by one particular community to-day may come to be used by different communities later on. Therefore, what I say is that if the Government were to interfere and make some arrangement for the maintenance of these tanks, it would interfere with the natural evolution of society and therefore it would practically be detrimental to the society. I do not want to discuss the question whether public funds could be used only for the purpose of improving the wells and tanks which could be used by all classes of people alike. I believe it is just now only an academical question. The learned Deputy President says that we are more or less concluded by legislative enactments in Travancore that 'public' means 'the whole public' as well as 'any section of the public'. If that is the interpretation that we can put upon that word, there is no use of our disputing the question whether public funds can be utilised only for the whole public or a particular section of the public. Under the Municipal Regulation, public funds can be used for public purposes when public means a section of the public also. So that point does not arise in this discussion.

The third reason why I oppose the resolution is this. In the second part of the resolution, Mr. Raman Menon wants that the Government should interfere in other cases.

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[Mr. N. Kumaran.]

"At the expense of the inhabitants of the locality belonging to the class or classes of persons who claim and prove a legal right to the exclusive use of the same".

I take particular objection to that portion of the resolution. I am afraid it is fraught with serious consequences and it is also highly mischievous because people are required to establish legal right to the exclusive use of the same. It is very difficult to prove these rights and I think that it is better to leave it to be settled between people themselves. I know a particular instance in which a decision was arrived at by a court of law, but it was not acceptable to the people of the locality. Probably, Mr. Raman Menon may have that instance in view when he tabled this resolution. To some extent, he was himself involved in that business. There was a tank in Karunagapalli taluk near which was a public school. A Nair gentleman of the place wanted to register this *poramboke* and he made an application. But the school authorities wanted this tank for themselves for the purpose of the students of the school. The educational officers also inspected the place. In the meantime, the gentleman who wanted to register the *poramboke* in his favour thought that his object would not be achieved and therefore he wanted to reserve this tank for a particular community. A prosecution ensued in which some of the Ezhavas were the accuseds. The matter was fought out in the criminal court. The case for the prosecution was that this tank was made use of as the *Arat* tank of a temple which was situated about two miles away. The prosecution could not prove that this tank was made use of in connection with the procession in the temple. So the prosecution failed. Then the party who wanted this particular tank to be tied down to that particular temple wanted to move the District Magistrate and I understand from the proceedings of the case that my friend Mr. Raman Menon himself wrote a letter to the District Magistrate asking him to initiate proceedings under Section 127 of the Criminal Procedure Code. Fearing a breach of the peace, the District Magistrate who was a caste-Hindu did prohibit the non-caste people from interfering with the use of the tank and there the matter stopped. Probably, if that order under Section 127 was not passed, this tank could have been used by all classes of people. Now, by the action of that gentleman, it is reserved for the caste Hindus. Of course, the District Magistrate did not take into consideration the fact that a First Class Magistrate found that the case put forward by the temple authorities was not true. Such interference on the part of executive officers, I assert, will affect the natural evolution of the society from a heterogeneous condition to a homogenous condition. I believe that it is desirable that we should not lend our support to that kind of arrangement.

Then, regarding the last portion of the resolution, *viz.*, provision of special funds for maintenance of 'special *porambokes*' it is also not quite necessary. I believe that the Government may be safely left to take care of the *porambokes* which are in their possession and for the maintenance and upkeep of which they are responsible. With these remarks, I oppose the resolution.

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MR. K. I. JOSEPH (*Minachil* cum *Devicolam*): Sir, I am sorry to find that nobody is coming forward to say anything in favour of the resolution of Mr. Raman Menon. Of course, the wording of the resolution is rather too long and complex, but I do not feel there is much difficulty in understanding the essential ideas underlying it.

MR. K. MADHAVAN PILLAI (*Trivandrum* cum *Neduvangad*): Is the member supporting or opposing the resolution?

MR. K. I. JOSEPH (*Minachil* cum *Devicolam*): The member can understand it in the course of what I say. The chief ideas underlying the resolution are these. The first and the foremost is that adequate arrangements should be made for the proper maintenance of public wells and tanks and other *porambokes*. The second is that in the case of the maintenance of such *porambokes* used by the public, public funds may be utilised and in other cases the funds belonging to the people of the locality alone should be devoted. Lastly, Mr. Raman Menon concedes that special funds may be utilised for special *porambokes*. The ideas, therefore, I find, are quite clear. The chief point that Mr. Raman Menon wants to impress on the attention of this House is the question of sanitation more than anything else. That is the chief idea conveyed in this resolution. He wants to see that the safety and the health of the public are properly safeguarded and it is for that reason that he insists that the several tanks and other *poramboke* which are now badly kept should be properly maintained. I think this is a point which nobody can dispute; even in this town, several tanks are being kept in a very bad condition. So, the chief idea of Mr. Raman Menon that arrangements should be made for the proper maintenance of these tanks and other *porambokes* cannot but be supported by any one.

But the previous speakers it seems were led away by the latter portion of the resolution *viz.*, that relating to the funds. Regarding this, the Chief Secretary was explaining that it is not opposed to principle if the State spends its money in the interests of particular communities or particular bodies. I am not in a position to agree with him in the view taken up. I am of opinion that public money should ordinarily be spent only for purposes for which the whole public have a right of use. I do not think it is proper to spend public money for purposes to which any limited section of the public has got any exclusive right of use. Of course, I do not find any objection if the Government under exceptional circumstances encourage the institutions of special bodies by giving some sort of grants or such other help.

MR. K. GEORGE (*Chief Secretary to Government*): Would not that be expenditure?

MR. K. I. JOSEPH (*Minachil* cum *Devicolam*): I admit that it is expenditure. But considering the present condition of certain communities in Travancore, it may at times be expedient to encourage special interests by special grants. But even in such matters, it may not be advisable for the Government to take the direct responsibility for themselves. I may explain my position by stating an example. The principle adopted by the Government in establishing special schools

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[Mr. K. I. Joseph.]

for special classes, I believe, is not quite satisfactory. But the Government may encourage the education of special classes backward in education by giving them special grants and concessions. Establishing special schools for the exclusive use of special classes is not advisable. So the general principle on which public money should be spent must be that all the public must have the right to share in the benefit derived therefrom. Public money should not be spent in the exclusive interests of special classes alone. So, as regards the second point also, on principle, I am inclined to support Mr. Raman Menon.

As regards the methods suggested by him, the Government may consider their practicability. Lastly, Mr. Raman Menon concedes that special provision may be made as regards special *porambokes*. Religious sentiments or communal feelings may be adjusted by the latter provision. So, I believe, there is no difficulty in supporting the principle contained in the resolution.

MR. M. SIVATANU PILLAI (*Tovala*): I have very great pleasure to support the spirit underlying Mr. Raman Menon's resolution. I frankly confess that I am quite convinced about its import in its entirety, just after hearing the Chief Secretary's speech. He referred to a resolution passed in this Council in a previous session and would have us believe that that resolution practically covered the ground covered by Mr. Raman Menon's present resolution. Well, I would like to know from the Chief Secretary whether any action was taken by the Government on that resolution with a view to assure the people at large that the Government accepted the principle of that resolution. I, for one, would readily say that the Government did not do anything in that direction as seen from a particular instance. The Nagercoil Municipality passed a resolution to throw open all public tanks and wells maintained by municipal funds to the public. As the Chief Secretary must know, it was brought to the notice of the Government and I do not know how it has fared at their hands.

The second point about the resolution is this. The Chief Secretary was referring to the European School in British India or certain schools for Malayala Brahmins and other provisions for sinking wells for Sambavars. I ask the Chief Secretary whether these institutions are brought into being from a very laudable object. That is to say, whether a certain community deserves encouragement when it has been handicapped practically and if it is not commendable.

MR. K. GEORGE (*Chief Secretary to Government*): May I know who decides this laudability?

MR. M. SIVATANU PILLAI (*Tovala*): I believe human impulse will be the very same with each and every individual and it can be left to itself to decide the laudability of a thing which really deserves sympathy and further to judge whether it deserves compassion or repulsion. I believe every member can be left to himself in order to judge that point. But here, though not conscious, it is unconscious, I would say, that encouragement is given to certain erroneous notions, at any rate, to the opinions

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which are held in doubt as regards their tenability or as to their religious sanction. We all know that certain institutions are recent interpolations in our religious conventions and we would be in the wrong by not condemning such institutions or customs. It is up to us as well as to the Government to see that such a custom is actively and positively discouraged instead of treating such customs with deference. It behoves civilised Governments to come forward to do this as this Government did with regard to the admission of members of depressed classes in all our schools. So, whether a custom is supported by religion or not, they must first of all enquire into its reasonableness or otherwise. Before making no such enquiry, is it for the Government to say that a particular custom is supported by religious sanction, and it is sacrilege to touch it? I for one can say it is not at all justifiable or warranted. Further, certain customs or observances on the part of a certain section of the people have been given a certain religious cloak. In these days, such a position taken by certain communities has become intolerable and it is for the Government to see that it is really discouraged and not encouraged. In these days of advancement and religious reformation, it is not at all desirable that the Government should take such a gratuitous position. All I wish to say is that the Government did not act up to the spirit of the resolution as passed in the last Council and I believe that was the intention of Mr. Raman Menon to bring forward this resolution more or less identical in principle with the former resolution. With these few words, I support the resolution of Mr. Raman Menon.

MR. CHANGANACHERY K. PARAMESVARAN PILLAI (*Quilon*): I wish to say a few words in answer to the objections raised on Mr. Raman Menon's resolution. Several of the speakers on the subject seem to have understood Mr. Raman Menon that he wanted to remove the disability of certain classes in regard to the use of tanks, wells and roads in the State. It appears to me that that was not the essential point which Mr. Raman Menon wanted to stress in the resolution. Probably it was due to the fact that he failed to stress the essential points while stressing the non-essential points in the resolution. As has been rightly observed by my friend Mr. Joseph, the central idea running through the resolution is that there are several tanks and wells in the State which are utterly neglected and unattended to. Mr. Raman Menon wants these wells and tanks which are *porambokes* to be attended to by the Government. He makes also certain suggestions in regard to the funds for the maintenance of these tanks and wells, as also the agency by which these funds are to be used. Of course, these are only secondary matters. But the important point in the resolution is that no tank or well, which is *poramboke* and which is useful for the people, should be neglected to the detriment of the public health. I think that is the central idea of this resolution, and, if that is so, I do not see any reason why it should not be accepted by the Government.

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MR. V. SUBBA AIYAR (*Nominated*) (*Deputy President*): I may explain my position, Sir. If that is the principle of the resolution, I certainly support it.

MR. CHANGANACHERY K. PARAMESVARAN PILLAI (*Quilon*): That appears to be the real resolution, while the other parts of it in which reference is made to the funds for the maintenance of these tanks and wells and the agencies by which these funds are to be spent, are only mere suggestions of Mr. Raman Menon. I do not think he wanted to raise the controversial matter as to whether these roads and tanks should be used by all classes of people. That does not appear to me to be the object of the resolution.

MR. N. KUMARAN (*Nominated*): Has Mr. Paramesvaran Pillai got an amendment to this effect?

MR. CHANGANACHERY K. PARAMESVARAN PILLAI (*Quilon*): No, I have not got any amendment. So far as I am able to read the resolution, it means only that.

MR. K. GEORGE (*Chief Secretary to Government*): Will Mr. Paramesvaran Pillai remove those qualifying clauses in the resolution?

MR. CHANGANACHERY K. PARAMESVARAN PILLAI (*Quilon*): What are those qualifying clauses? The essential part of the resolution is—

MR. K. GEORGE (*Chief Secretary to Government*): That is in regard to *porambokes*.

MR. CHANGANACHERY K. PARAMESVARAN PILLAI (*Quilon*): In regard to the funds, he says that if these *porambokes* are open to all classes of people then they must be repaired from public funds and that if they are claimed by particular communities to be exclusively used by them, they may be taxed specially for the maintenance of those *porambokes*. Of course, that is a suggestion made by Mr. Raman Menon in regard to the funds for the maintenance of these tanks and wells. But the real point which Mr. Raman Menon wants to stress and wants to bring to the notice of the Government in this resolution is that no tank and no well which is *poramboke* should be neglected to the detriment of public health. That, I submit, is the point which is deserving of consideration by the House. Because the resolution is inarticulately worded or vaguely worded, it should not prevent us from giving that value to it which it deserves.

MR. V. SUBBA AIYAR (*Nominated*) (*Deputy President*): Does Mr. Paramesvaran Pillai think that any resolution is necessary for that purpose?

MR. CHANGANACHERY K. PARAMESVARAN PILLAI (*Quilon*): Apparently, Mr. Raman Menon has, as I have also, in mind several places where these public tanks and wells are absolutely neglected, where they are not repaired to the detriment of the public health and are not attended to either by the local authorities, the municipalities or the Government. Take for instance, as Mr. Joseph himself pointed out, some of the tanks in Trivandrum within the municipal areas. Their

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condition is highly detrimental to the public health. They should either be filled up or registered, or if the Government or the municipality think that they should be kept as tanks, they should be kept in proper repair and maintained in proper order without prejudicing the health of the public. They are a disgrace to the town itself and the municipality and to everybody else. In addition to the tank near Mr. Van Ross's house, which has been registered, there are several other tanks in several parts of the town which should not exist as tanks and which should not be used by the public. No doubt, in regard to the funds with which these should be maintained, Mr. Raman Menon makes a discrimination with regard to those *porambokes* which are open to all classes and those which are claimed by certain communities for their exclusive use. In regard to that, of course, there may be differences of opinion, as has been pointed out; but, at the same time, I am sorry that the Chief Secretary should have put old age pension, insurance and bounties to industrial concerns in England on a par with caste and class distinction prevailing in Travancore. In the case of old age pension, I think, it is the old men who get the pension and no particular class of old men is excluded from the benefit of that. Similarly, in the case of other bounties in industrial concerns, insurance and other things, no particular class or community is excluded from the benefit. But here it is not so. It is a particular class or community that is precluded from the use of the tanks. Thus, there is no comparison or analogy between the two things. In my opinion, no tank and no well which is exclusively claimed by any particular community should be repaired from public funds. Public funds are intended for the use of the public, that is for the community as a whole and not for the special benefit of any particular community. Therefore, my friend says that public funds could not be expended upon these justifiably and that those communities who claim the exclusive use of these tanks and wells must be asked to pay a particular cess for the maintenance of these tanks and wells. I think that is a legitimate proposal and there is no reason why that should not be considered. In any case, the point raised by my friend that no tank and no well intended for the use of the public or any section of the public should be neglected to the detriment of public health is, I think, a principle which should be adopted by this House.

MR. G. RAMAN MENON (*Mavelikara* cum *Kartikapalli*): Sir, I acknowledge that it is an attempt at a reasonable compromise. But, as is often the fate of peace-makers, they may not succeed in satisfying any of the parties. Nevertheless, it seems to me that it is a reasonable compromise and I shall try to meet some of the arguments which have been advanced against my resolution. In the first place, Mr. Subba Aiyar has been pointing out that the wording of the resolution is not satisfactory. Well, as regards the interpretation, doctors may differ and even legal luminaries very often make conflicting interpretations on different occasions. I have no quarrel about it. Of course, if any reasonable amendment is suggested to make my meaning clear, I shall accept it. But my friend Mr. Subba Aiyar has also understood my aim

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[Mr. G. Raman Menon.]

as he himself acknowledged. It is only a recommendation to the Government and so long as the aim is well represented, the wording does not matter. I think that even an ordinary man can gather the aim from this wording itself. So, I hope that it is not a very grave objection.

The second objection that was raised was that it is not practicable. I disagree from that view. It is a very practical way of solving the difficulties. It has been pointed out by Mr. George that if the Government refuse to maintain these tanks, it may be a source of danger to the public. Well, that is exactly why I said that "adequate arrangements may be made through municipalities or other public bodies, wherever they exist, or otherwise in other places, for the proper maintenance" of these public wells and tanks. It has been said that the Government cannot interfere with public bodies like the municipalities. Perhaps, the Municipal Regulation may not allow such interference. In that case, I have no objection in the Government coming in for legislation on the subject in order to have more power for ensuring the health and safety of the public. If they want more power, of course, they ought to have it by means of legislation.

Then, to show that it is impracticable, Mr. Subba Aiyar has been pointing out that it would not be advisable for the Government to interfere with tanks belonging to special communities. If, in the interest of the public, for the safety of its health, it is necessary to take such power, the Government have the right to take such power.

Then my friend Mr. Kumaran is not quite satisfied with one portion of it. He said that a loophole is provided for excluding certain tanks for which special communities may have a legal right. The burden of proof is on them. They have to prove that they have a legal right to do so; and, if they prove it, I think it would not be fair on the part of the Government or this Council or anybody else to deny it. But the point is that if they have an exclusive right, they must specially pay for it. That is the thing that the Government should insist on. That will bring to bear a certain moral pressure upon those people who want to maintain their sentiments intact. I have no objection to their maintaining their sentiments. But they ought to pay for it. We cannot maintain the sentiments of other people out of public funds. That is what I have to say upon that point. I do not want the Government to interfere with the sentiments of, or with the special rights vested in, special communities; but they must refuse to spend public funds where all members of the public are not admitted.

MR. N. KUMARAN (*Nominated*): Are not these two principles inconsistent—that certain *porambokes* which belong to the public should be reserved to special communities and that the public funds should not be spent for the maintenance of tanks exclusively used by special communities?

MR. G. RAMAN MENON (*Mavelikara* cum *Kartikapalli*): Even the municipal funds are public and they come from the different classes of

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the people. So the Government have a duty, by means of legislation, if necessary, to see that those funds are also used in a just and impartial manner. What will become of these tanks if they are not maintained by the Government? That has been the question. There are several ways of doing it. The special communities may hand over special funds to public bodies or to the Government, if they so desire, or they can make their own arrangements to see that they are maintained properly.

The case to which Mr. Kumaran referred as having taken place in Karunagapalli was dismissed, because the prosecutors failed to show that the man actually bathed in the tank and they failed also to prove that they had an exclusive right to it. Afterwards, by means of certain Government records, it was proved that it was reserved as a tank specially for the temple and so the District Magistrate found that there was an encroachment of the right of the temple. Of course, all such things should be left to law.

There is nothing to be afraid of in the resolution and it would not injure anybody and no evil consequence will follow. As I explained at the very start, the principle of the resolution is one which the Government are bound to accept, that is, they should be above all considerations of communal partiality. With these words, I press the resolution.

MR. K. GEORGE (*Chief Secretary to Government*): Sir, I am at a loss to know what exactly is going to be passed in this House.

MR. V. SUBBA AIYAR (*Nominated*) (*Deputy President*): That is the difficulty.

MR. K. GEORGE (*Chief Secretary to Government*): Mr. Raman Menon himself explains the resolution in one way and the speakers that followed have given expression to different views about its meaning. Mr. G. Paramesvaran Pillai understood it to mean only that tanks and wells and other *porambokes* should be maintained by the Government and he pointed out that when the Panchayat Regulation comes into operation, there will be an adequate agency for maintaining these things. Mr. Changanachery Paramesvaran Pillai also, more or less, draws the same conclusion. From the speech of Mr. Raman Menon and the emphasis he laid on the principle that the Government should not show communal partiality, it seems to me that Mr. Raman Menon wants not particularly to see that the tanks and wells are maintained properly, but to emphasise the other part of his resolution.

MR. G. RAMAN MENON (*Mavelikara* cum *Kartikapalli*): May I point out that I emphasised both the parts?

MR. K. GEORGE (*Chief Secretary to Government*): If so, it raises two or more issues and the House cannot decide on all of them together. So, I am at a loss to know whether the House can vote on the resolution in the form in which it is put before us.

MR. C. P. THOMAS (*Nominated*): Will it not be advisable to allow the mover to split it up into two resolutions?

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MR. K. GEORGE (*Chief Secretary to Government*): We can discuss only one resolution at a time. Of course, if the President allows the mover to alter his resolution, that is another matter. As it is, I beg to inform the House that we are not at all in a position to accept the resolution as it involves several questions and the decision of the House should be on each point separately. How to decide a number of points together in the same vote is a thing that I cannot understand.

I may, in passing, however, refer to one or two passages in the speech delivered by Mr. Sivatanu Pillai. To my observation that the exclusive use of certain tanks and wells arose out of a religious custom he said in reply that it was not correct so long as no enquiry has been made into the existence of that custom. I suppose he meant that no enquiry has been made into the existence of a religious custom which is the basis of the exclusive use by certain communities of wells and tanks. Sir, it seems to me that no such enquiry is necessary. Everybody knows that these customs exist and that they have religious sanction and, even to-day, I believe it is a moot point among learned Pandits whether they have Sastraic sanction or not. But the Government cannot enter into these controversies. The Government find that certain customs exist now which have a religious sanction, or which the people believe to have religious sanction. That is all what the Government should see. It is not their province to enter into a religious controversy.

MR. M. SIVATANU PILLAI (*Tovala*): May I know whether the Chief Secretary is aware that such customs are denied by learned men ?

MR. K. GEORGE (*Chief Secretary to Government*): I doubt whether I can admit so far. Certain people, who interpret the religious customs, may have different views. But, so far as I know, the general public do regard the customs as having religious sanctity.

MR. M. SIVATANU PILLAI (*Tovala*): Is the member aware that the greatest authorities on religion have said that there is no religious sanction behind untouchability ?

MR. K. GEORGE (*Chief Secretary to Government*): I admit that. As I said, that is a point on which there is considerable difference of opinion and it is not necessary on my part to enter into the rights or the wrongs of it.

Mr. K. I. Joseph, I am afraid, was inconsistent when he said that money may be spent through other agencies for the special advantages of certain communities.

MR. K. I. JOSEPH (*Minachil* cum *Devicolam*): What I said was that, in case of absolute necessity, special grants may be given to members of certain communities.

MR. K. GEORGE (*Chief Secretary to Government*): Exactly. He has granted the whole case then.

MR. K. I. JOSEPH (*Minachil* cum *Devicolam*): Not so. I may have to explain further. It may at times be necessary in the interests of

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certain communities and also in the wider interests of the State that communities which are very backward should be helped by giving them special grants and concessions. But that ground does not stand in this particular case. It is only out of consideration for custom and religious feelings that the Government take the responsibility to carry on the routine work as a matter of policy. Aiding the establishment of particular schools for Mahomedans or Malayala Brahmins, who are backward in education, stands on quite a different footing from the present case.

MR. K. GEORGE (*Chief Secretary to Government*): It is not a question of responsibility. It is only a question of the use of public funds. So, I still think that there was inconsistency between the two statements made by Mr. Joseph.

MR. M. SIVATANU PILLAI (*Tovala*): May I just point out that what he means is that whereas the one proceeds from a laudable motive, the other proceeds from a motive to encourage a narrow superstitious idea?

MR. K. GEORGE (*Chief Secretary to Government*): That is why I asked him who decides the laudability. It is the State that has to decide whether the motive which underlies their action in the present case is laudable or not.

There is one more point. Mr. Changanachery Paramesvaran Pillai said that the analogy that I drew between the use of public funds for the maintenance of tanks and wells for the exclusive use of particular communities is different essentially from the system of bounty or grant of special funds for special purposes. I do not also say that they are completely analogous. I wanted only to illustrate the point that it is not opposed to the canons of financial propriety to use public funds for purposes in which the whole public does not participate. That is my point, and the illustration went only so far. But, there are other illustrations in our country itself, where nobody contends that the purposes are undesirable, or the objects are not laudable. As I said, there are special scholarships for special communities; fee concessions are given to special communities; schools are erected and maintained for special communities; and ever so many other things are made for the benefit of special communities. If we do not accept it as a principle to be applied in the financial administration of the State, what would happen? We would not be in a position to set apart funds for the exclusive or special use of the communities that may be behind-hand and that may be needing special encouragement.

MR. K. I. JOSEPH (*Minachil* cum *Devicolam*): Is it not the policy to make special exemptions only when necessity arises?

MR. K. GEORGE (*Chief Secretary to Government*): It is not a question of whether exemption should be granted or whether exemption should not be granted. I admit that ordinarily public funds are for the community as a whole. But there are occasions when the

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[Mr. K. George.]

public funds have to be spent for the special needs of certain communities.

MR. G. RAMAN MENON (*Mavelikara* cum *Kartikapalli*): May I know one instance of such an occasion?

MR. K. GEORGE (*Chief Secretary to Government*): I have illustrated my point by several illustrations. For instance, I spoke of the special schools for Malayala Brahmins and special scholarships to students belonging to the backward communities.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): Are the Government prepared to accept the position that the public tanks should be properly maintained?

MR. K. GEORGE (*Chief Secretary to Government*): Certainly. That public tanks should be properly maintained is a proposition that is fully accepted by the Government. They should not be left in a neglected condition. I do not think that any one in the House and the Government themselves would take objection to that statement. Certainly, public tanks and public wells and, for the matter of that, even private tanks and private wells, should be maintained in a sanitary condition for the sake of the health of the people.

MR. K. I. JOSEPH (*Minachil* cum *Devicolam*): Does Mr. George say that the maintenance of these public tanks is on a parallel position with the establishment of schools for particular communities?

MR. K. GEORGE (*Chief Secretary to Government*): In both cases, public funds are used for special purposes.

MR. K. I. JOSEPH (*Minachil* cum *Devicolam*): Does he think that the subject-matter of both deserves equal consideration at the hands of the Government?

MR. K. GEORGE (*Chief Secretary to Government*): I think it is a very important question and it is very difficult to answer at the spur of the moment. Sir, I oppose the motion and I do not know how it can be put to the vote of the House consisting as it does of several parts.

MR. V. SUBBA AIYAR (*Nominated*) (*Deputy President*): It may be divided and put to the vote of the House.

MR. K. GEORGE (*Chief Secretary to Government*): Even division is very difficult.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): Does this resolution admit of a division?

MR. K. I. JOSEPH (*Meenachil* cum *Devicolam*): Does Mr. George think that it is out of order?

MR. K. GEORGE (*Chief Secretary to Government*): I do not think so. It has been already discussed and so what is the use of saying that it is out of order now?

MR. G. RAMAN MENON (*Mavelikara* cum *Kartikapalli*): May I know whether the Government accept the principle of the resolution

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except in the case of these wells attached to special institutions? My meaning is that the maintenance of special *porambokes* should be out of special funds.

MR. K. GEORGE (*Chief Secretary to Government*): I beg to say that the resolution has no single principle underlying it. If the member is of opinion that the tanks should be properly maintained, then, of course, the Government are willing to accept it. If tanks and wells are not properly maintained, the Government are prepared to spend more money on the proper maintenance of those things.

MR. G. RAMAN MENON (*Mavelikara* cum *Kartikapalli*): What I wish to know is whether the Government accept the principle that the public funds should not be spent upon the ordinary tanks and wells which are exclusively reserved for special classes? If that is also accepted, I do not want to press the resolution.

MR. K. GEORGE (*Chief Secretary to Government*): I regret I cannot accept it. In fact I have been speaking against it.

MR. G. RAMAN MENON (*Mavelikara* cum *Kartikapalli*): Then I press it.

The resolution was put to the vote and lost, 8 voting *for* and 28 *against* it.

MR. M. SUBRAHMANYA PILLAI (*Agastisvaram*): I demand a poll

A poll was taken with the following result:—

AYES—8.

1 Mr. K. I. Joseph
2 ,, P. K. Narayana Pillai
3 ,, K. P. Nilakanta Pillai
4 ,, M. N. Pillai
5 Mr. Changanachery K. Parameswaran Pillai
6 ,, G. Raman Menon
7 ,, M. Sivatanu Pillai
8 ,, M. Subrahmanya Pillai

NOES—28.

1 Mr. I. C. Chacko
2 ,, J. B. Cook
3 ,, Paul Daniel
4 ,, R. Dhanukoti Pillai
5 ,, K. George
6 ,, A. J. John
7 ,, X. G. Lopez
8 ,, C. Kerala Varma Koil Tampuran
9 ,, R. K. Krishna Pillai
10 ,, R. Krishnaswami Aiyar
11 ,, Dr. N. Kunjan Pillai
12 ,, Tariatu Kunjitomman
13 ,, G. Narayana Pillai
14 ,, K. V. Natesa Aiyar
15 Mr. R. Nilakanta Pillai
16 ,, R. Padmanabhan
17 ,, G. Paramesvaran Pillai
18 ,, Kayyalam Paramesvaran Pillai
19 Mrs. M. Poonen Lukose
20 Mr. T. P. Ramasubba Aiyar
21 ,, Rao Bahadur K. V. Rangaswami Aiyangar
22 ,, S. C. H. Robinson
23 ,, K. Sivarama Panikkar
24 ,, V. Subba Aiyar
25 ,, K. K. Thomas
26 ,, C. N. Tuppan Namputiri
27 ,, V. S. Subrahmanya Aiyar
28 ,, A. J. Van Ross

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NEUTRALS—6.

1 Mr. C. P. Kochukunju Pillai	4 Mr. Kallur Narayana Pillai.
2 ,, T. Kumara Pillai	5 ,, C. P. Tarakan
3 ,, K. Madhavan Pillai	6 ,, C. P. Thomas

The resolution was declared lost.

PRESIDENT: The next resolution also stands in the name of Mr. Raman Menon.

Modification of the Land Colonisation Rules.

MR. G. RAMAN MENON (*Mavelikara* cum *Kartikapalli*): Sir, I beg to move the following resolution:—

This Council recommends to the Government that the rules regarding the Land Colonisation Scheme may be so modified as to make it possible for subjects of this State to get the benefits under the scheme, even without becoming members of joint stock companies, syndicates or co-operative credit societies and to allow registry of lands under the scheme up to a limit of 10 acres to each of the members, in the case of a co-operative credit society as well.

The object of the Land Colonisation Scheme is very laudable. But though the scheme was passed and the rules were published about a year ago, nothing has been done to start it actually. Even when the rules were published, publicists pointed out certain defects in those rules and it is in accordance with those suggestions, that I have brought forward this resolution. As it is, only joint stock companies or syndicates or co-operative credit societies are benefited under the scheme. Private individuals will not be given land under the scheme. Of course, the provisions of the scheme are very beneficial. The *tharavila* has to be paid only in 10 years and the Government have also given concessions as regards taxes. Then again, loans can be advanced to these colonists on the security of the lands. All these are very beneficial. But, in the present circumstances of the country, the ordinary people, especially the poor people, are not likely to be benefited by these rules. This is a consequence of the stage of social evolution reached by the people of this land. Co-operative credit societies, syndicates and joint stock companies are not very popular here amongst the people; and from my knowledge of many of these companies and co-operative societies, I may say that they are not working well, and they are far from doing any appreciable good to the people.

MR. K. I. JOSEPH (*Minachil* cum *Devicolam*): The latter portion of Mr. Raman Menon's resolution runs as follows:—

"to each of the members in the case of a co-operative credit society as well"

Does the member mean that the privilege should be extended to all the subjects of the State or only to the co-operative credit societies?

MR. G. RAMAN MENON (*Mavelikara* cum *Kartikapalli*): Under the rules, lands may be given only to co-operative credit societies. Each member is allowed one acre of land. I suggest that it may be raised to ten acres.

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